



Indiana Department of Environmental Management

We Protect Hoosiers and Our Environment.

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Michael R. Pence
Governor

Carol S. Comer
Commissioner

June 14, 2016

Mr. Larry Kane, Esq.
Bingham Greenebaum Doll, LLP
2700 Market Tower
10 West Market Street
Indianapolis, Indiana 46204

Re: U.S. Demil, LLC
Military Munitions Project
Crane Surface Warfare Center
IN5170023498

Dear Sir,

As a follow up to our meeting on May 31, I wanted to address the application of the Hazardous Waste Rule, 329 IAC 3.1, to the U.S. Demil, LLC (Demil) proposed project at Crane Surface Warfare Center. Indiana is authorized by EPA for the hazardous waste program and has adopted by reference the Military Munitions Rule.

Based on the information provided during the meeting, Demil is proposing a process for the recovery of metals from unused munitions. This involves the use of controlled electric heat to separate the metal components from the energetics. The energetic is volatilized during the separation process while the metal components will be reclaimed as a scrap metal. Indiana would consider the process as described, to be materials recovery under 40 CFR 266.202(a)(2). If the conditions of 40 CFR 266.202(a)(2) are met, the unused munitions would not be a solid waste and therefore not a hazardous waste.

EPA addressed a similar process in an April 6, 2009 letter from Matt Hale, Director, Office of Solid Waste to William O. Bresnick, Esq., Energy and Environmental Twenty-One, Inc. concluding the unused military munitions were not a solid waste. Indiana concurs with EPA's regulatory analysis in that letter.

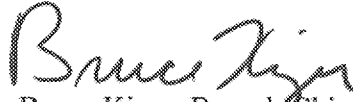
Please be aware that Indiana's Hazardous Waste Rule provides a standard for scrap metal contaminated with hazardous waste residue as follows:

329 IAC 3.1-6-4(b) Scrap metal contaminated with hazardous waste residues must be cleaned to be free of all adhering hazardous waste residues, which are in a form, that could be released to the environment due to dripping or exposure to precipitation. The surface must also be free of hazardous waste residues that can be easily removed by rinsing with a suitable solvent or other commonly employed means of cleaning. Paint or other metal finishes are not considered hazardous waste residues for purposes of this exclusion.

This letter does not address the application of air emission requirements to the process. The Office of Air Management will address those requirements separately.

If you have any questions, please contact me at 317-232-8857 or by e-mail at bkizer@idem.IN.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Kizer".

Bruce Kizer, Branch Chief
Compliance and Response Branch
Office of Land Quality

cc: Matthew Stuckey, Office of Air Quality
Jeff Sewell, Office of Land Quality
Valerie Tachtiris, Office of Legal Counsel
Bruno Pigott, Chief of Staff